

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



August 1, 2006

ALL COUNTY LETTER NO. 06 - 25

TO ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS
ALL CONSORTIUM PROJECT MANAGERS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
☐ Federal Law or Regulation Change
☐ Court Order
☐ Clarification Requested by One or More Counties
☐ Initiated by CDSS

SUBJECT: IMMEDIATE IMPLEMENTATION OF HOMELESS ASSISTANCE (HA)
CHANGES IN THE CALIFORNIA WORK OPPORTUNITY AND
RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM

REFERENCE: Welfare and Institutions Code (WIC) Section 11450, All County Letter
(ACL) 95-62, Assembly Bill (AB) 1808, Chapter 75, Statutes of 2006

As a result of the enactment of AB 1808, the following changes to the Homeless Assistance program are now effective as of July 12, 2006, and must be implemented immediately:

- The total maximum daily rate for temporary HA is increased from \$40 per day to \$65 per day for families of four or fewer and \$15 per day for each additional family member up to a maximum of \$125 daily.
- Homelessness criteria is expanded to include families who receive a notice to pay rent or quit.
- The rent threshold for Permanent Homeless Assistance is changed from 80 percent of the maximum aid payment level to 80 percent of the total monthly household income (TMHI).
- Permanent Homeless Assistance is available to pay up to two months of rent arrearages to prevent eviction. Each month of the rent arrearage payment shall not exceed 80 percent of the TMHI.

Except as noted above, all other HA provisions remain in effect. These new provisions increase the daily rate for temporary assistance, and expand the definition of homelessness to allow payments to families that receive a notice of pay or quit. The new provisions also result in two types of permanent HA payments, one that helps homeless families secure a permanent residence and a new type of permanent HA payment that would prevent eviction. Receipt of either of these two permanent HA payments would constitute an AU's once-in-a-lifetime payment.

Definitions:

“Total Monthly Household Income” - For purposes of determining whose income should be included in TMHI, counties must count the income of all Assistance Unit (AU) members and of any other persons whose income is currently used in calculating an AU's grant, including but not limited to sanctioned and penalized household members and persons who are excluded by law for their undocumented non-citizen or drug felon status.

“Income” - Income to be counted towards the TMHI includes gross earned and unearned income, including the CalWORKs computed grant, but does not include Food Stamps, CalWORKs Special Needs or Supplemental Security Income (SSI) and State Supplementary Payment (SSP). If an SSI/SSP recipient living in the home contributes toward the monthly rent, the family's total monthly rent amount to which the 80% standard is applied would be reduced by the amount contributed from the SSI/SSP recipient.

Eligibility for payment of arrearages – In order for an AU to be entitled to receive Permanent Homeless Arrearage payments, payment of the arrearages must be a reasonable condition of preventing eviction. In addition, a family who applies for arrearage payments due to receipt of a notice to pay rent or quit, must demonstrate that the eviction is the result of a verified financial hardship that resulted from extraordinary circumstances beyond their control, and not due to other lease or rental violations. The family must be experiencing a financial crisis that could result in homelessness if preventative assistance is not provided.

INFORMING REQUIREMENTS - TEMP 2226 (07/06):

Attached is an informing notice (Temp 2226 – “New Rules for Homeless Assistance for Persons Eligible for Cash Aid”) that provides information regarding the new HA rules. The California Department of Social Services (CDSS) will be mailing this informing notice statewide to CalWORKs recipients during the first two weeks of August 2006. Counties must immediately begin informing applicants of the new HA rules by providing them with a copy of the Temp 2226 during intake. In addition, until the CDSS makes revisions to existing informing documents, counties must continue to inform recipients of the new HA rules during redetermination and at any time that they indicate the possibility of being evicted from their current residence. Copies of the Temp 2226 or a written annotation should also be placed in the case record as proof that the the county informed the family of the changes in HA rules.

A subsequent ACL will be issued to provide additional guidance to counties including the transmittal of revised Notice of Action and CalWORKs forms. However, until a more detailed ACL is issued, please refer to the exact language of HA provisions in AB 1808 for details (see attached).

Page Three

If you have questions regarding this letter, please contact your CalWORKs County consultant.

Sincerely,

***Document Signed by
CHARR LEE METSKER on 8/1/06***

CHARR LEE METSKER
Deputy Director
Welfare to Work Division

Enclosures

c: CWDA
CSAC

NEW RULES FOR HOMELESS ASSISTANCE FOR PERSONS ELIGIBLE FOR CASH AID

State law changed the rules for Homeless Assistance payments. Homeless Assistance is still only available once in a lifetime, unless you meet certain exceptions. As of July 12, 2006, the following new rules apply:

- If your family is homeless, the amount the county can give you has increased. A family of four or less people can get \$65 per day for up to 16 days in a row to meet temporary shelter needs while you are looking for a permanent place to live. If there are more than four aided people, your family can get \$15 more for each aided person in the family up to \$125 per day.
- If you get a notice to pay rent or quit from your landlord, you can now apply for homeless assistance and get help to pay back rent that you owe. The county may be able to pay up to two months worth of back rent if you are eligible for this type of homeless assistance.
- If you are homeless and you find a place to live, the county can still help pay for the permanent housing and deposits. The way the county figures the amount of permanent homeless assistance you may get has changed to include other income that may be available to pay your housing costs.

To find out more about these changes ask your worker.

NUEVAS REGLAS SOBRE LA ASISTENCIA PARA PERSONAS SIN HOGAR QUE SON ELEGIBLES PARA ASISTENCIA MONETARIA

La ley estatal cambió las reglas sobre los pagos de Asistencia para Personas sin Hogar. La asistencia para personas sin hogar sigue siendo disponible solamente una vez en la vida, a menos que usted reúna los requisitos para ciertas excepciones. A partir del 12 de julio de 2006, las siguientes reglas nuevas son pertinentes:

- Si su familia no tiene hogar, la cantidad que el condado puede darle a usted ha aumentado. Si su familia tiene cuatro o menos personas, puede recibir \$65 diarios hasta por 16 días seguidos para satisfacer las necesidades de alojamiento temporal mientras usted esté buscando un lugar permanente donde vivir. Si hay más de cuatro personas que reciben asistencia, su familia puede recibir \$15 más por cada persona en la familia que recibe asistencia hasta \$125 diarios.
- Si usted recibe una notificación del dueño de la vivienda para pagar la renta o desalojar la vivienda, usted ahora puede solicitar asistencia para personas sin hogar y recibir ayuda para pagar la renta atrasada que usted debe. Es posible que el condado pueda pagar hasta dos meses de renta atrasada si usted es elegible para esta clase de asistencia para personas sin hogar.
- Si usted es una persona sin hogar y usted encuentra un lugar donde vivir, el condado todavía le puede ayudar a pagar la vivienda permanente y los depósitos. La manera en que el condado calcula la cantidad permanente de asistencia para personas sin hogar que usted puede recibir ha cambiado para incluir otros ingresos que pudieran ser disponibles para pagar sus gastos de vivienda.

Para más información acerca de estos cambios, pregúntele a su trabajador.

If you need help understanding this notice, contact your County worker.

假如你需要人幫助你瞭解這份通知，請跟你的工作人員連絡。

Chinese

Если вы не поняли это извещение и вам нужна помощь, обратитесь к работнику, ведущему ваше дело.

Russian

Nếu quý vị cần giúp đỡ trong việc đọc và hiểu thông báo này, xin liên lạc với nhân viên phụ trách của quý vị.

Vietnamese

BILL NUMBER: AB 1808 CHAPTERED
BILL TEXT

CHAPTER 75

FILED WITH SECRETARY OF STATE JULY 12, 2006

APPROVED BY GOVERNOR JULY 12, 2006

PASSED THE SENATE JUNE 27, 2006

PASSED THE ASSEMBLY JUNE 27, 2006

AMENDED IN SENATE JUNE 27, 2006

INTRODUCED BY Committee on Budget (Laird (Chair), Arambula, Bermudez, Chan, Coto, De La Torre, Evans, Goldberg, Hancock, Montanez, Mullin, Nava, Parra, Pavley, and Wolk)

SEC. 31.2. Section 11450 of the Welfare and Institutions Code, as amended by Section 328 of Chapter 62 of the Statutes of 2003, is amended to read:

11450. (a)

(1) Aid shall be paid for each needy family, which shall include all eligible brothers and sisters of each eligible applicant or recipient child and the parents of the children, but shall not include unborn children, or recipients of aid under Chapter 3 (commencing with Section 12000), qualified for aid under this chapter. In determining the amount of aid paid, and notwithstanding the minimum basic standards of adequate care specified in Section 11452, the family's income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1, averaged for the prospective quarter pursuant to Sections 11265.2 and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number
of
eligible
needy
persons in

	Maximum aid
the same home	
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy

children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96, 1996-97, and 1997-98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) When the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant mother for the month in which the birth is anticipated and for the three-month period immediately prior to the month in which the birth is anticipated in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the mother, and child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this subdivision. Aid shall also be paid to a pregnant woman with no other children in the amount which would otherwise be paid to one person under subdivision (a) at any time after verification of pregnancy if the pregnant woman is also eligible for the Cal-Learn Program described in Article 3.5 (commencing with Section 11331) and if the mother, and child, if born, would have qualified for aid under this chapter.

(c) The amount of forty-seven dollars (\$47) per month shall be paid to pregnant mothers qualified for aid under subdivision (a) or (b) to meet special needs resulting from pregnancy if the mother, and child, if born, would have qualified for aid under this chapter. County welfare departments shall refer all recipients of aid under this subdivision to a local provider of the Women, Infants and Children program. If that payment to pregnant mothers qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision shall not apply to persons eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the mother, and the child, if born, would have qualified for aid under this chapter.

(d) For children receiving AFDC-FC under this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month which, when added to the child's income, is equal to the rate specified in Section 11460, 11461, 11462, 11462.1, or 11463. In addition, the child shall be eligible for special needs, as specified in departmental regulations.

(e) In addition to the amounts payable under subdivision (a) and Section 11453.1, a family shall be entitled to receive an allowance for recurring special needs not common to a majority of recipients. These recurring special needs shall include, but not be limited to, special diets upon the recommendation of a physician for circumstances other than pregnancy, and unusual costs of transportation, laundry, housekeeping service, telephone, and utilities. The recurring special needs allowance for each family per month shall not exceed that amount resulting from multiplying the sum

of ten dollars (\$10) by the number of recipients in the family who are eligible for assistance.

(f) After a family has used all available liquid resources, both exempt and nonexempt, in excess of one hundred dollars (\$100), the family shall also be entitled to receive an allowance for nonrecurring special needs.

(1) An allowance for nonrecurring special needs shall be granted for replacement of clothing and household equipment and for emergency housing needs other than those needs addressed by paragraph (2). These needs shall be caused by sudden and unusual circumstances beyond the control of the needy family. The department shall establish the allowance for each of the nonrecurring special need items. The sum of all nonrecurring special needs provided by this subdivision shall not exceed six hundred dollars (\$600) per event.

(2) Homeless assistance is available to a homeless family seeking shelter when the family is eligible for aid under this chapter. Homeless assistance for temporary shelter is also available to homeless families which are apparently eligible for aid under this chapter. Apparent eligibility exists when evidence presented by the applicant or which is otherwise available to the county welfare department and the information provided on the application documents indicate that there would be eligibility for aid under this chapter if the evidence and information were verified. However, an alien applicant who does not provide verification of his or her eligible alien status, or a woman with no eligible children who does not provide medical verification of pregnancy, is not apparently eligible for purposes of this section.

A family is considered homeless, for the purpose of this section, when the family lacks a fixed and regular nighttime residence; or the family has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations; or the family is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A family is also considered homeless for the purpose of this section if the family has received a notice to pay rent or quit. The family shall demonstrate that the eviction is the result of a verified financial hardship as a result of extraordinary circumstances beyond their control, and not other lease or rental violations, and that the family is experiencing a financial crisis that could result in homelessness if preventative assistance is not provided.

(A) (i) A nonrecurring special need of sixty-five dollars (\$65) a day shall be available to families of up to four members for the costs of temporary shelter, subject to the requirements of this paragraph. The fifth and additional members of the family shall each receive fifteen dollars (\$15) per day, up to a daily maximum of one hundred twenty-five dollars (\$125). County welfare departments may increase the daily amount available for temporary shelter as necessary to secure the additional bedspace needed by the family.

(ii) This special need shall be granted or denied immediately upon the family's application for homeless assistance, and benefits shall be available for up to three working days. The county welfare department shall verify the family's homelessness within the first three working days and if the family meets the criteria of questionable homelessness established by the department, the county welfare department shall refer the family to its early fraud prevention and detection unit, if the county has such a unit, for

assistance in the verification of homelessness within this period.

(iii) After homelessness has been verified, the three-day limit shall be extended for a period of time which, when added to the initial benefits provided, does not exceed a total of 16 calendar days. This extension of benefits shall be done in increments of one week and shall be based upon searching for permanent housing which shall be documented on a housing search form; good cause; or other circumstances defined by the department. Documentation of housing search shall be required for the initial extension of benefits beyond the three-day limit and on a weekly basis thereafter as long as the family is receiving temporary shelter benefits. Good cause shall include, but is not limited to, situations in which the county welfare department has determined that the family, to the extent it is capable, has made a good faith but unsuccessful effort to secure permanent housing while receiving temporary shelter benefits.

(B) A nonrecurring special need for permanent housing assistance is available to pay for last month's rent and security deposits when these payments are reasonable conditions of securing a residence, or to pay for up to two months of rent arrearages, when these payments are a reasonable condition of preventing eviction.

The last month's rent or monthly arrearage portion of the payment (1) shall not exceed 80 percent of the family's total monthly household income without the value of food stamps or special needs for a family of that size and (2) shall only be made to families that have found permanent housing costing no more than 80 percent of the family's total monthly household income without the value of food stamps or special needs for a family of that size.

However, if the county welfare department determines that a family intends to reside with individuals who will be sharing housing costs, the county welfare department shall, in appropriate circumstances, set aside the condition specified in clause (2) of the preceding paragraph.

(C) The nonrecurring special need for permanent housing assistance is also available to cover the standard costs of deposits for utilities which are necessary for the health and safety of the family.

(D) A payment for or denial of permanent housing assistance shall be issued no later than one working day from the time that a family presents evidence of the availability of permanent housing. If an applicant family provides evidence of the availability of permanent housing before the county welfare department has established eligibility for aid under this chapter, the county welfare department shall complete the eligibility determination so that the denial of or payment for permanent housing assistance is issued within one working day from the submission of evidence of the availability of permanent housing, unless the family has failed to provide all of the verification necessary to establish eligibility for aid under this chapter.

(E) (i) Except as provided in clauses (ii) and (iii), eligibility for the temporary shelter assistance and the permanent housing assistance pursuant to this paragraph shall be limited to one period of up to 16 consecutive calendar days of temporary assistance and one payment of permanent assistance. Any family that includes a parent or nonparent caretaker relative living in the home who has previously received temporary or permanent homeless assistance at any time on behalf of an eligible child shall not be eligible for further homeless assistance. Any person who applies for homeless assistance

benefits shall be informed that the temporary shelter benefit of up to 16 consecutive days is available only once in a lifetime, with certain exceptions, and that a break in the consecutive use of the benefit constitutes permanent exhaustion of the temporary benefit.

(ii) A family that becomes homeless as a direct and primary result of a state or federally declared natural disaster shall be eligible for temporary and permanent homeless assistance.

(iii) A family shall be eligible for temporary and permanent homeless assistance when homelessness is a direct result of domestic violence by a spouse, partner, or roommate; physical or mental illness that is medically verified that shall not include a diagnosis of alcoholism, drug addiction, or psychological stress; or, the uninhabitability of the former residence caused by sudden and unusual circumstances beyond the control of the family including natural catastrophe, fire, or condemnation. These circumstances shall be verified by a third-party governmental or private health and human services agency and homeless assistance payments based on these specific circumstances may not be received more often than once in any 12-month period. A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph for a second time in a 24-month period participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits.

(iv) The county welfare department shall report to the department through a statewide homeless assistance payment indicator system, necessary data, as requested by the department, regarding all recipients of aid under this paragraph.

(F) The county welfare departments, and all other entities participating in the costs of the AFDC program, have the right in their share to any refunds resulting from payment of the permanent housing. However, if an emergency requires the family to move within the 12-month period specified in subparagraph (E), the family shall be allowed to use any refunds received from its deposits to meet the costs of moving to another residence.

(G) Payments to providers for temporary shelter and permanent housing and utilities shall be made on behalf of families requesting these payments.

(H) The daily amount for the temporary shelter special need for homeless assistance may be increased if authorized by the current year's Budget Act by specifying a different daily allowance and appropriating the funds therefor.

(I) No payment shall be made pursuant to this paragraph unless the provider of housing is a commercial establishment, shelter, or person in the business of renting properties who has a history of renting properties.

(g) The department shall establish rules and regulations assuring the uniform application statewide of this subdivision.

(h) The department shall notify all applicants and recipients of aid through the standardized application form that these benefits are available and shall provide an opportunity for recipients to apply for the funds quickly and efficiently.

(i) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a).

The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

(j) For children receiving Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) of Chapter 2, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month, which, when added to the child's income, is equal to the rate specified in Section 11364.